

REMARKS/ARGUMENTS

The following remarks are identical to those submitted with the Claim Listing of December 20, 2008. The remarks are provided for the convenience of the Office and to be consistent with the nature of the instant response as superceding the Listing of December 20, 2008.

Independent claims 6, 14, 23, and 32 have been revised to use language similar to that introduced in parent application 10/727,100 (Atty. Ref. no. 022041-001410US), which was expressly incorporated by reference into the instant application. Support for the revisions is found throughout the application as filed and as at least in Figures 3, 6, and 7 in the parent application.

Claims 6, 9, 10, 11, 14, 17-19, 23, 26-28, 32, 35, 36, 42, and 60 have also been revised to emphasize embodiments of the invention relate to RNA expression levels. Accordingly, claims 64-66 have been canceled.

Claims 12, 20, 29, and 42 have been revised to feature expression levels “expressed as a ΔCt of the Ct values for HoxB13 and IL17BR RNA expression levels” which is supported in the instant application at least in Figure 2, panels 1 through d. Additional support is found at least in the application, published as US 2005/0239083 on page 27 at paragraph [0135]; page 30 at paragraph [0174]; and pages 33-34, Example 4.

Claims 13, 21, 30, and 37 have been revised to feature a formalin fixed paraffin embedded (FFPE) sample, which is supported at least in the instant application, published as US 2005/0239083 on page 28 at paragraph [0153].

The revisions better tailor the claims to currently contemplated commercial embodiments of the disclosure. Thus they are not in acquiescence to any rejection of record. Instead, they are made for business reasons.

Depending claims 49, 50, and 52-57 have been revised to better correspond to the revisions in the claims from which they depend.

New claims 67-70 have been introduced. They include the feature of tamoxifen as the antiestrogen agent. Support is found at least in claims 6, 14, 23, and 32 as originally filed.

No new matter has been introduced, and entry of the above amendments is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425-681-1833.

Respectfully submitted,

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